

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

05-cr-77-bbc-1

CHAD M. LARSON,

Defendant

A hearing on the probation office's petition for judicial review of Chad M. Larson's supervised release was held on July 23, 2014, before U.S. District Judge Barbara B. Crabb. The government appeared by Assistant U.S. Attorney Laura Przybylinski Finn. Defendant was present in person and by counsel, Supervisory Associate Federal Defender Michael W. Lieberman. Also present was U.S. Probation Officer Andrew J. Cieslewicz.

From the record and the parties' stipulation, I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on November 10, 2005, following his conviction for possession with intent to distribute five or more grams of cocaine base, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1). This offense is a Class A felony. Defendant was committed to the custody of the Bureau of

Prisons to serve a term of imprisonment of 156 months with an eight-year term of supervised release to follow. On June 3, 2008, defendant's sentence was amended to 121 months' imprisonment with an eight-year term of supervised release. On November 3, 2011, defendant's sentence was amended to 120 months' imprisonment with an eight-year term of supervised release to follow.

Defendant began his term of supervised release in the Eastern District of Wisconsin on January 14, 2013.

Defendant violated Special Condition No. 4, requiring him to abstain from the use of illegal drugs, when he submitted a urine specimen that tested positive for marijuana on July 9, 2013. Defendant admitted he had smoked marijuana.

Defendant violated the mandatory condition prohibiting him from committing another federal, state or local crime and Standard Condition No. 11, requiring him to notify the probation officer, when he failed to report that he had received a citation for theft after attempting to steal several hundred dollars worth of merchandise from a Wal-Mart store on March 7, 2014.

Defendant's conduct falls into the category of a Grade C violation. Section § 7B1.1(a)(3)(B) of the advisory guidelines gives the court the discretion to revoke supervised release, extend it or modify the conditions of release.

CONCLUSIONS

Defendant's criminal history category is IV. With a Grade C violation, he has an advisory guideline term of imprisonment of 6 to 12 months. Defendant's violations do not warrant revocation.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, and all other factors associated with the case, I have decided to amend the defendant's conditions of supervised release to hold the defendant accountable for his actions and protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on November 10, 2005, and amended on June 3, 2008 and on November 3, 2011, is amended to include location monitoring and curfew status placement for a period not to exceed 60 consecutive days. During this time, defendant will remain at his place of residence at all times during the curfew period from 9:00 p.m. to 6:00 a.m. or as deemed appropriate by the probation officer. Defendant will maintain a telephone at his place of residence without "call forwarding," a modem, "caller ID," "call waiting," or portable cordless telephones for the above period. At the direction of the probation officer, defendant shall wear a location monitoring device and follow location monitoring procedures as approved by his supervising probation officer. Defendant shall pay the cost of this program under the guidance and supervision of his supervising probation officer. Defendant shall continue on supervised release with an expiration date of January 13, 2021. All other conditions previously

imposed shall remain in effect.

Entered this 23rd day of July, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

U.S. District Judge